

**IDAPA 02 - DEPARTMENT OF AGRICULTURE**

**02.04.19- RULES GOVERNING DOMESTIC CERVIDAE**

**DOCKET NO. 02-0419-0901**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 25-3704, Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

**TUESDAY - OCTOBER 27, 2009 -- 7:00 p.m.**

**Idaho State Department of Agriculture  
2270 Old Penitentiary Road, Boise, Id**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The purpose of the proposed rulemaking is to introduce herd management plans to enable the agency to conduct facility inspections and herd inventories more efficiently. Ambiguous, unclear, or redundant language in IDAPA 02.04.19 will be also be changed to improve interpretation of the rule.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 6, 2009 Idaho Administrative Bulletin, Volume 09-5, page 20.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Dr. Bill Barton or Dr. Debra Lawrence at (208) 332-8540.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2009.

DATED this 27th day of August, 2009.

Brian Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road PO Box 7249  
Boise, ID 83707  
Phone 208-332-8500 / Fax 208-334-2170

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**THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 02-0419-0901**

**004. INCORPORATION BY REFERENCE.**

The following documents are incorporated by reference and copies of these documents may be obtained from the Idaho State Department of Agriculture central office ~~and the state Law Library.~~ (4-2-03)(\_\_\_\_)

- 01. **Bovine Tuberculosis Eradication**, Uniform Methods and Rules, Effective January 22, 1999. (4-2-03)
- 02. **Code of Federal Regulations, Title 9, Part 161, January 1, 2004.** (4-6-05)
- 03. **Code of Federal Regulations, Title 9, Part 55, January 1, 2004.** (4-6-05)
- 04. **Code of Federal Regulations, Title 9, Subchapter A, Part 1 and 2, January 1, 2004.** (4-6-05)

**(BREAK IN CONTINUITY OF SECTIONS)**

**006. IDAHO PUBLIC RECORDS ACT.**

These rules are public records and are available for inspection and copying at the ISDA central office ~~and the State Law Library.~~ (4-2-03)(\_\_\_\_)

**007. -- 009. (RESERVED).**

**010. DEFINITIONS.**

- 01. **Accredited Veterinarian.** A veterinarian approved by the Administrator and USDA/APHIS/VS, in accordance with Title 9, Part 161, CFR, January 1, 2004, to perform functions required by cooperative state-federal animal disease control and eradication programs. (4-6-05)
- 02. **Administrator.** Administrator of the Division of Animal Industries or his designee. (4-2-03)
- 03. **Approved Laboratory.** NVSL, an AAVLD accredited laboratory that is qualified to perform CWD diagnostic procedures, or a laboratory designated by the Administrator to perform CWD diagnostic procedures. (4-2-03)
- 04. **Approved Slaughter Establishment.** A USDA inspected slaughter establishment at which ante-mortem and post-mortem inspection is conducted by USDA inspectors. (4-2-03)
- 05. **Area Veterinarian in Charge.** The USDA/APHIS/VS veterinary official who is assigned to supervise and perform official animal health activities in Idaho. (4-2-03)
- 06. **Breed Associations and Registries.** Organizations maintaining permanent records of ancestry or pedigrees of animals, individual animal identification records and records of ownership. (4-2-03)
- 07. **Certificate.** An official document issued by a state or federal animal health official or an accredited veterinarian at the point of origin of a shipment of cervidae, which contains information documenting the age, sex, species, individual identification of the animals, the number of animals, the purpose of the movement, the points of origin and destination, the consignor, the consignee, the status of the animals relative to official diseases, test results and any other information required by the state animal health official for importation or translocation. (4-2-03)
- 08. **Cervid Herd.** One (1) or more domestic cervidae or groups of domestic cervidae maintained on common ground or under common ownership or supervision that may be geographically separated but can have interchange or movement. (4-2-03)
- 09. **Cervidae.** Deer, elk, moose, caribou, reindeer, and related species and hybrids including all

members of the cervidae family and hybrids. (4-2-03)

**10. Chronic Wasting Disease.** A transmissible spongiform encephalopathy of cervids, which is a nonfebrile, transmissible, insidious, and degenerative disease affecting the central nervous system of cervidae. (4-2-03)

**11. Commingling.** Within the last five (5) years, the animals have had direct contact with each other, had less than thirty (30) feet of physical separation, or shared management equipment, pasture, or surface water sources, except for periods of less than forty-eight (48) hours at sales or auctions when a state or federal animal health official has determined such contact presents minimal risk of CWD transmission. (4-2-03)

**12. Custom Exempt Slaughter Establishment.** A slaughter establishment that is subject to facility inspection by USDA, but which does not have ante-mortem and post-mortem inspection of animals by USDA inspectors. (4-2-03)

**13. CWD-Adjacent Herd.** A herd of domestic cervidae occupying premises that border a premises occupied by a CWD positive herd, including herds separated by roads or streams. (4-6-05)

**14. CWD-Exposed Animal.** A domestic cervid animal that is not exhibiting any signs of CWD, but has had contact within the last five (5) years with domestic cervids from a CWD-positive herd or the animal is a member of a CWD-exposed herd. (~~4-2-03~~)(    )

**15. CWD-Exposed Herd.** A herd of domestic cervidae in which no animals are exhibiting signs of CWD, but: (~~4-2-03~~)(    )

**a.** An epidemiological investigation indicates that contact with CWD positive animals or contact with animals from a CWD positive herd has occurred in the previous five (5) years; or (4-2-03)

**b.** A herd of domestic cervidae occupying premises that were previously occupied by a CWD positive herd within the past five (5) years as determined by the designated epidemiologist; or (~~4-2-03~~)(    )

**c.** Two (2) herds that are maintained on a single premises even if they are managed separately, have no commingling, and have separate herd records. (4-6-05)

**16. CWD-Positive Cervid.** A domestic cervid on which a diagnosis of CWD has been confirmed through positive test results on any official cervid CWD test by an approved laboratory. (4-2-03)

**17. CWD-Positive Herd.** A domestic cervidae herd in which any animal(s) has been diagnosed with CWD, based on positive laboratory results, from an approved laboratory. (4-2-03)

**18. CWD-Suspect Cervid.** A domestic cervid for which laboratory evidence or clinical signs suggests a diagnosis of CWD. (4-2-03)

**19. CWD-Suspect Herd.** A domestic cervidae herd in which any animal(s) has been determined to be a CWD-suspect. (4-2-03)

**20. Department.** The Idaho State Department of Agriculture. (4-2-03)

**21. Death Certificate.** A form approved by the ~~an~~Administrator and provided by the Division for the reporting of domestic cervidae deaths and for reporting sample submission for CWD testing. (~~4-6-05~~)(    )

**22. Designated Epidemiologist.** A state or federal veterinarian who has demonstrated the knowledge and ability to perform the functions required under these rules and who has been selected by the Administrator to fulfill the epidemiology duties relative to the state domestic cervidae disease control program. (4-2-03)

**23. Director.** The Director of the Idaho State Department of Agriculture, or his designee. (4-2-03)

24. **Disposal.** Final disposition of dead cervidae. (4-2-03)
25. **Division.** Idaho State Department of Agriculture, Division of Animal Industries. (4-2-03)
26. **Domestic Cervidae.** Fallow deer (*Dama dama*), elk (*Cervus elaphus*) or reindeer (*Rangifer tarandus*) owned by a person. (4-2-03)
27. **Domestic Cervidae Ranch.** A premises where domestic cervidae are held or kept, including multiple premises under common ownership. (4-6-05)
28. **Electronic Identification.** A form of unique, permanent individual animal identification such as radio frequency identification tag, radio frequency identification implant, or other forms approved by the Administrator. (4-6-05)
29. **Escape.** Any domestic cervidae located outside the perimeter fence of a domestic cervidae ranch and not under the immediate control of the owner or operator of the domestic cervidae ranch. (4-2-03)
30. **Federal Animal Health Official.** An employee of USDA/APHIS/VS who is authorized to perform animal health activities. (4-6-05)
31. **Herd of Origin.** A domestic cervid herd, on any domestic cervidae ranch or other premise, where the animals were born, or where they were kept for at least one (1) year prior to date of shipment. ~~(4-2-03)~~( )
32. **Herd Status.** Classification of a cervidae herd with regard to CWD. (4-2-03)
33. **Intrastate Movement Certificate.** A form approved by the Administrator, and available from the Division, to document the movement of domestic cervidae between premises within Idaho. (4-2-03)
34. **Individual Herd Plan.** A written herd management agreement and testing plan developed by the herd owner and approved by the Administrator to identify and eradicate CWD from a positive, source, suspect, exposed, or adjacent herd. (4-2-03)
35. **Limited Contact.** Incidental contact between animals of different herds in separate pens off of the herd's premises at fairs, shows, exhibitions and sales. (4-2-03)
36. **Natural Disaster.** Any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe that results in substantial damage to property, hardship, suffering or possible loss of life. ( )
367. **Official CWD Test.** A test approved by the Administrator and conducted at an approved laboratory to diagnose CWD. (4-2-03)
378. **Official Identification.** Identification, approved by the Administrator, that individually, uniquely, and permanently identifies each domestic cervid. ~~(4-2-03)~~( )
389. **Operator.** A person who has authority to manage or direct a domestic cervidae ranch. (4-2-03)
3940. **Owner.** The person that has legal title to, or has financial control of, any domestic cervidae or domestic cervidae ranch (4-2-03)
401. **Person.** Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. (4-2-03)
442. **Premises.** The ground, area, buildings, and equipment utilized to raise, propagate, control, or harvest domestic cervidae. (4-2-03)

**423. Quarantine.** An order issued on authority of the Administrator, by a state or federal animal health official or accredited veterinarian, prohibiting movement of domestic cervids from any location without a written restricted movement permit. (4-2-03)(\_\_\_\_)

**434. Quarantine Facility.** A confined area where selected domestic cervidae can be secured and isolated from all other cervidae and livestock. (4-2-03)

**445. Reidentification.** The identification of a domestic cervid which had been officially identified, as provided by this chapter, but which has lost the official identification device, or the tattoo or official identification device has become illegible. (4-2-03)

**456. Restrain.** The immobilization of domestic cervidae in a chute, other device, or by other means for the purpose of efficiently, effectively, and safely inspecting, treating, vaccinating, or testing. (4-2-03)

**467. Restricted Movement Permit.** An official document that is issued by the Administrator, AVIC, or an accredited veterinarian for movement of animals from positive, suspect, or exposed herds. (4-2-03)

**478. Source Herd.** A herd from which at least one (1) domestic cervid has originated within the previous five (5) years and that cervid has been diagnosed CWD positive. (4-2-03)(\_\_\_\_)

**489. State Animal Health Official.** The Administrator or his designee. (4-2-03)

**4950. Status Date.** The date on which the Administrator approves in writing a herd status change with regard to CWD. (4-2-03)

**501. Trace Back Herd.** An exposed herd in which at least one (1) CWD positive animal resided within any of the previous sixty (60) months prior to diagnosis with CWD. (4-2-03)

**542. Trace Forward Herd.** A herd that has received exposed animals from a positive herd within sixty (60) months prior to the diagnosis of CWD in the positive herd or from the identified point of entry of CWD into the positive herd. (4-2-03)

**523. Traceback.** The process of identifying the movements and the herd of origin of CWD positive, or exposed animals, including herds that were sold for slaughter. (4-2-03)

**534. Wild Cervidae.** Any cervid animal not owned by a person. (4-2-03)

**545. Wild Ungulate.** Any four (4) legged, hooved herbivore, including cervids and other ruminants, not owned by a person. (4-6-05)

**556. Wild Ungulate Cooperative Herd Plan.** A plan, developed cooperatively by the owner of the domestic cervidae ranch, the ISDA, and the Idaho Department of Fish and Game to determine the disposition of any wild ungulates that are found to be located on a domestic cervidae ranch. (4-6-05)

**011. ABBREVIATIONS.**

**01. AAVLD.** American Association of Veterinary Laboratory Diagnosticians. (4-2-03)

**02. APHIS.** Animal and Plant Health Inspection Service. (4-2-03)

**03. AVIC.** Area Veterinarian in Charge. (4-2-03)

**04. AZA.** American Zoological Association. (4-2-03)

**05. CFR.** Code of Federal Regulations. (4-2-03)

**06. CWD.** Chronic Wasting Disease. (4-2-03)

<del>07.</del>	<del>CWDP. Chronic Wasting Disease Program.</del>	<del>(4-2-03)</del>
<del>08.</del>	<del>ISDA. Idaho State Department of Agriculture.</del>	<del>(4-2-03)</del>
<del>09.</del>	<del>NAEBA. North American Elk Breeders Association.</del>	<del>(4-2-03)</del>
<del>10.</del>	<del>NVSL. National Veterinary Services Laboratory.</del>	<del>(4-2-03)</del>
<del>11.</del>	<del>TB. Tuberculosis.</del>	<del>(4-2-03)</del>
<del>12.</del>	<del>UM&amp;R. Uniform Methods and Rules.</del>	<del>(4-2-03)</del>
<del>13.</del>	<del>USDA. United States Department of Agriculture.</del>	<del>(4-2-03)</del>
<del>14.</del>	<del>VS. Veterinary Services.</del>	<del>(4-2-03)</del>

**(BREAK IN CONTINUITY OF SECTIONS)**

**014. IMPORTATION OF DOMESTIC CERVIDAE.**

All domestic cervidae imported into the state of Idaho shall comply with the requirements of IDAPA 02.04.21 "Rules Governing the Importation of Animals," ~~which apply to~~ applicable to domestic cervidae. ~~(4-2-03)~~(\_\_\_\_)

**015. -- 019. (RESERVED).**

**020. LOCATION OF DOMESTIC CERVIDAE.**

Any person who owns or has control of domestic cervidae in Idaho which are not located on a domestic cervidae ranch, which is in compliance with ~~the applicable provisions of~~ this chapter, or on an AZA accredited or USDA licensed facility in compliance with this chapter, is in violation of these rules. ~~(4-2-03)~~(\_\_\_\_)

**01. Department Action.** In addition to any other administrative or civil action, the Department may seize, require removal from the state, require removal to a domestic cervidae ranch that is in compliance with ~~the provisions of~~ this chapter, or require disposal of any domestic cervidae that are not located on a domestic cervidae ranch, an AZA accredited facility, or a USDA licensed facility which is in compliance with ~~the provisions of~~ this chapter. ~~(4-2-03)~~(\_\_\_\_)

**02. Reindeer.** Reindeer shall not be owned, possessed, propagated or held in Idaho north of the Salmon River in order to protect the wild caribou herd in northern Idaho. (4-2-03)

**03. Exceptions.** The Administrator may grant exceptions from the provisions of Section 020 on a case specific basis. (4-2-03)

~~**04. Natural Disasters.** Damage caused to domestic cervidae ranch facilities by natural disasters shall not constitute a violation of this chapter, provided that the owner or operator begins any necessary repairs immediately upon discovering the damage, acts expeditiously, as determined by the Administrator, to complete any necessary repairs and reports the extent and cause of any damage to the Division within twenty-four (24) hours of the discovery of the damage. (4-6-05)~~

**021. OFFICIAL IDENTIFICATION.**

All domestic cervidae shall be individually, permanently, and uniquely identified, with two (2) types of official identification approved by the Administrator. (4-2-03)

**01. Reporting of Identification.** The unique individual identification number, type of identification, and the name, address, and telephone number of the owner of each animal identified shall be reported to the

Administrator, in writing, by the owner or operator. (4-2-03)

**02. Identification Assigned.** Official identification, once assigned to an individual animal, shall not be changed or transferred to another animal. Animals that lose identification devices shall be reidentified in accordance with Section 0231. ~~(4-2-03)~~( )

**03. Progeny.** All progeny of domestic cervidae shall be officially identified by December thirty-first of the year of birth, upon sale or transfer of ownership, or upon leaving the domestic cervidae ranch, whichever is earlier. (4-2-03)

~~**04. Visible Identification.** At least one (1) of the official types of identification used shall be visible from one hundred and fifty (150) feet. (4-6-05)~~

**022. TYPES OF OFFICIAL IDENTIFICATION.**

All domestic cervidae shall be individually identified by two (2) of the following types of official identification. ~~At least one (1) of the types of official identification must be a bangle or lamb tag that is visible from one hundred fifty (150) feet~~ official visible identification, as set forth in Section 030. ~~(4-2-08)~~( )

**01. Official USDA Eartag.** (4-2-03)

**02. Tattoo.** Legible skin tattoo using an alphanumeric tattoo sequence that has been recorded with the Division of Animal Industries. The tattoo shall be applied to either the ear or escutcheon. (4-6-05)

**03. Electronic Identification.** A form of electronic identification, approved by the Administrator. (4-6-05)

**04. Official NAEBA Eartag.** (4-2-03)

**05. Official ISDA Cervidae Program Eartag.** A tamper resistant, unique number sequenced, individual identification tag approved by the Administrator. (4-2-03)

**06. Official HASCO Brass Lamb Tag.** This brass lamb tag shall be engraved with farm name and individual animal identification number. (4-2-03)

**07. Freeze Brands.** Legible, freeze brands which uniquely identify the individual domestic cervid. (4-6-05)

**08. Ranch Specific Unique Bangle or Lamb Tags.** The Administrator may grant written approval for the use of bangle or lamb tags that are: (4-2-08)

a. Ranch specific; and (4-2-08)

b. Tamper resistant; and (4-2-08)

c. Uniquely numbered; and (4-2-08)

d. Correlated with another type of official identification on the annual inventory report. (4-2-08)

**09. Other Identification.** Other forms of unique individual identification approved in writing and in advance by the Administrator. ~~(4-6-05)~~( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**040. INSPECTIONS.**

To prevent the introduction and dissemination, or to control and eradicate diseases, state and federal animal health officials are authorized to inspect domestic cervidae records, premises, facilities, and domestic cervidae to ensure compliance with ~~the provisions of~~ this chapter and other state or federal laws or rules applicable to domestic cervidae. State and federal animal health officials shall comply with the operation's biosecurity protocol so long as the protocol does not inhibit reasonable access to: (4-2-08)(\_\_\_\_)

**01. Entry.** Enter and inspect, at reasonable times, the premises of domestic cervidae ranches and inspect domestic cervidae. (4-2-08)

**02. Access to Records.** Review or copy, at reasonable times, any records that must be kept in accordance with these rules. (4-2-08)

**(BREAK IN CONTINUITY OF SECTIONS)**

**060. WILD CERVIDAE.**

Wild cervidae shall not be confined, kept or held on a domestic cervidae ranch. (4-2-03)

**01. Duty of Ranch Owner.** It shall be the duty of owners of all domestic cervidae ranches to take precautions, and to conduct periodic inspections, to ensure that wild cervidae are not located within the perimeter fence of any domestic cervidae ranch. (4-2-03)

**02. Notification of Administrator.** All owners or operators of domestic cervidae ranches shall notify the Administrator within twenty-four (24) hours of gaining knowledge of the presence of wild cervidae inside the perimeter fence of the domestic cervidae ranch. The failure to provide notice as required by this Subsection is a violation of this chapter. (4-2-03)(\_\_\_\_)

~~**03. Failure to Notify the Administrator.** The failure of any owner or operator of a domestic cervidae ranch to notify the Administrator of the presence of wild cervidae within the perimeter fence of a domestic cervidae ranch is a violation of this chapter.~~ (4-2-03)

~~**043. Idaho Department of Fish and Game.** Upon receiving notification that wild cervidae are ~~on~~ within the perimeter fence of a domestic cervidae ranch, the Administrator shall notify the Idaho Department of Fish and Game.~~ (4-2-03)(\_\_\_\_)

~~**05. Wild Ungulate Cooperative Herd Plan.** The Idaho Department of Fish and Game shall cooperate with ISDA and the owners or operators of domestic cervidae ranches where any wild cervidae or wild ungulates are present within the external perimeter fence of the domestic cervidae ranch to develop and implement a site specific written herd plan to address the disposition of the wild cervidae or wild ungulates.~~ (4-6-05)

**(BREAK IN CONTINUITY OF SECTIONS)**

**080. DISPOSAL OF DOMESTIC CERVIDAE.**

All domestic cervidae carcasses and parts of carcasses not utilized for human consumption, ~~except parts of carcasses utilized~~ or for taxidermy purposes shall be disposed of in compliance with IDAPA 02.04.17, "Rules Governing Dead Animal Movement And Disposal." (4-2-03)(\_\_\_\_)

**081. -- 089. (RESERVED).**

**090. FEES.**

A fee, not to exceed five dollars (\$5) per head on elk or three dollars (\$3) per head on fallow deer and reindeer, ~~is to will~~ be assessed on all domestic cervidae that have been present on a facility in the state ~~to cover the cost of administering the program covered in these rules~~ for any portion of the preceding twelve (12) months. This fee is due



January 1st of each year.

~~(4-2-08)~~(\_\_\_\_)

**091. -- 099. (RESERVED).**

**100. DOMESTIC CERVIDAE RANCHES.**

In order to prevent the introduction or dissemination of diseases, and to control or eradicate diseases, all domestic cervidae ranches and each separate premises shall comply with the disease control, facility, and record keeping requirements and all other provisions of this chapter.

~~(4-2-03)~~(\_\_\_\_)

~~**01. Each Premises.** Each separate premises where domestic cervidae are kept or held shall comply with all of the provisions of this chapter.~~

~~(4-6-05)~~

**021. Vehicle Access.** Domestic cervidae ranches shall have motorized vehicle access to the restraining system on each premises, during the portion of the year that cervidae are held or kept on the premises, adequate to facilitate disease prevention and control as determined by the Administrator.

(4-6-05)

**032. Premises Registration.** Each premises where domestic cervidae are kept or held shall be registered with the Division and assigned a unique, individual number approved by the Administrator.

(4-6-05)

**101. DOMESTIC CERVIDAE RANCH FACILITY REQUIREMENTS.**

All domestic cervidae ranches are required to have facilities including, but not limited to, perimeter fence, restraining system, gathering system, water system and, if required, a quarantine facility.

(4-2-03)

**01. Maintenance.** All facilities, including the perimeter fence described in Section 102, shall be maintained at all times that domestic cervidae are present to prevent the escape of domestic cervidae or ingress of wild cervidae.

~~(4-2-03)~~(\_\_\_\_)

**02. Natural Disasters.** Damage caused to domestic cervidae ranch facilities by natural disasters shall not constitute a violation of this chapter, provided that the owner or operator begins any necessary repairs immediately upon discovering the damage, acts expeditiously, as determined by the Administrator, to complete any necessary repairs and reports the extent and cause of any damage to the Division within twenty-four (24) hours of the discovery of the damage.

(\_\_\_\_)

**023. Inspections.** To ensure compliance with this chapter, state or federal animal health officials shall inspect all premises where domestic cervidae are, or will be, possessed, controlled, harvested, propagated, held, or kept.

(4-2-03)

a. Each domestic cervidae ranch shall be inspected at least annually.

(4-2-03)

b. All facilities relating to the handling, care, or raising of domestic cervidae shall be inspected.

~~(4-2-03)~~(\_\_\_\_)

**102. PERIMETER FENCE REQUIREMENTS.**

A perimeter fence, completely enclosing the domestic cervidae ranch shall be constructed of high-tensile, non-slip woven wire or other fencing material approved by the Administrator.

(4-2-03)

**01. Elk and Fallow Deer.** For elk and fallow deer, the fence shall be a minimum of eight (8) feet in height for its entire length at all times.

(4-2-03)

**02. Reindeer.** For reindeer, the fence shall be at least six (6) feet in height for its entire length at all times.

(4-2-03)

**03. Wire.** The top two (2) feet of each fence may be smooth, barbed or woven wire (at least twelve and one-half (12-1/2) gauge) with horizontal strands spaced not more than six (6) inches apart.

(4-2-03)

a. Wire shall be placed on the animal side of the fence to prevent pushing the wire away from the posts.

(4-2-03)

b. Wire shall be attached to all posts at the top, bottom, and not more than eighteen (18) inches apart between the top and bottom of the wire. (4-2-08)

04. **Posts.** Wooden posts used in the perimeter fence shall be at least butt-end treated with a commercially available preservative and have a minimum of four (4) inch top for line posts and a minimum of five (5) inch top for corner posts. Metal pipe posts must be a minimum of two and one-eighth (2-1/8) inches outside diameter with a three-sixteenths (3/16) inch wall thickness for line posts and two and seven-eighths (2-7/8) inches outside diameter with a seven thirty-seconds (7/32) inch wall thickness for corner posts. Posts shall be spaced no more than twenty-four (24) feet apart, with stays, supports or braces as needed, and be placed in the ground a minimum of three (3) feet. (4-2-08)

05. **Gates.** Each domestic cervidae ranch shall have gates that prohibit the escape of domestic cervidae or the ingress of wild cervidae. (4-2-03)

~~06. **Fence Maintenance.** Fences shall be maintained, at all times that domestic cervidae are present, to prevent domestic cervidae from escaping or native wild cervidae from entering the enclosure.~~ (4-2-03)

~~07.~~ 06. **Exceptions.** The Administrator may grant exceptions to the specifications in Section 102 on a case specific basis. (4-2-03)

### 103. **GATHERING AND RESTRAINING SYSTEM.**

Each domestic cervidae ranch shall have a system for humanely and effectively gathering and restraining domestic cervidae for the purpose of inspecting, identifying, treating, or testing of animals by state or federal animal health officials. (4-2-03)

01. **Gathering System.** Each domestic cervidae ranch shall have a system that facilitates the gathering of domestic cervidae so as to be able to move the domestic cervidae through the restraining system in a safe and efficient manner at any time of the year that domestic cervidae are present. (4-2-03)( )

02. **Restraining System.** ~~A~~ Each domestic cervidae ranch shall have a restraining system approved by the Administrator, that is adequate to immobilize domestic cervidae for the purpose of efficient, effective, and safe handling for inspecting, treating, vaccinating, or testing. (4-2-03)( )

03. **Exceptions.** The Administrator may grant exceptions to the provisions of this section on a case specific basis. (4-2-03)

### 104. **WATER SYSTEM.**

Each domestic cervidae ranch shall have a water system adequate to supply the need of the domestic cervidae herd. (4-2-03)( )

### 105. **QUARANTINE FACILITY.**

If ~~animals~~ domestic cervidae are to be imported onto the domestic cervidae ranch, a quarantine facility, approved by the Administrator, shall be provided for holding ~~animals~~ domestic cervidae until any disease retesting is accomplished or other requirements are met. (4-2-03)( )

### 106. **HERD MANAGEMENT PLAN.**

01. **Herd Management Plan.** All domestic cervidae ranches shall develop and maintain a herd management plan that must be approved by the Administrator. The herd management plan shall describe the operation and set forth protocols to address: ( )

a. Ingress of wildlife and or egress of domestic cervidae. ( )

b. Unaccounted death loss. ( )

c. Management options to deal with severe weather events. ( )

**d.** Submission of samples for Chronic Wasting Disease (CWD), in accordance with these Rules. ( )

**02.** Revision of Herd Management Plan. Revision of the herd management plan shall be required as deemed necessary by the Administrator or if any of the following occur: ( )

**a.** Ingress of wildlife and or egress of domestic cervidae. ( )

**b.** Unaccounted death loss. ( )

**c.** Failure to properly submit samples for CWD testing. ( )

**03.** Violation of Herd Management Plan. A violation of the herd management plan shall be considered a violation of this chapter. ( )

**1067. -- 199. (RESERVED).**

## **200. RECORDS AND REPORTING.**

**01. Reports.** Owners of domestic cervidae ranches shall submit complete and accurate reports to the Administrator. Failure to submit complete and accurate reports within the designated time frames is a violation of this chapter. (4-2-03)

**02. Records.** All owners of domestic cervidae ranches shall, during normal business hours, present to state or federal animal health officials, for inspection, review, or copying, any cervidae records deemed necessary to ensure compliance with ~~the provisions of~~ this chapter. (4-2-03)( )

**03. Notification.** State or federal animal health officials shall attempt to notify the owners or operators of domestic cervidae ranches, and premises where records are kept prior to any inspections. (4-2-03)

**04. Emergencies.** In the event of an emergency, as determined by the Administrator, the notification requirements of Section 200 may be waived. (4-2-03)

## **201. ANNUAL INVENTORY REPORT.**

**01. Inventory Report.** All owners of domestic cervidae ranches shall ~~annually~~ submit, ~~to the Administrator, no later than December 31st of each year,~~ a complete and accurate inventory of all ~~animals held no later than December 31st of each year~~ domestic cervidae that have been present on the facility during the calendar year on a form approved by the Administrator. The annual inventory report, which shall be submitted to the Administrator, shall contain the following minimum information: (4-2-03)( )

**a.** Name and address of the domestic cervidae ranch. (4-2-03)

**b.** Name and address of the owner of the domestic cervidae ranch. (4-2-03)

**c.** Date the inventory was completed. (4-2-03)

**02. Individual Domestic Cervidae.** For each individual domestic cervidae that was located on the domestic cervidae ranch during the year for which the report is being made, the following information shall be provided: (4-2-03)

**a.** All types of official and unofficial identification; (4-2-03)

**b.** Species; (4-2-03)

**c.** Sex; (4-2-03)

- d. Age or year born; (4-2-03)
- e. Disposition, including the date of sale, death, or purchase; and (4-2-03)
- f. Name and address of the prior and current owner of the domestic cervidae. (~~4-2-03~~)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**202. INVENTORY VERIFICATION.**

State or federal animal health officials shall verify all domestic cervidae ranch inventories of animals held and individual animal identification annually. (4-2-03)

**01. Visible Identification.** Individual animal identification verification may be accomplished by visually noting the unique official visible identification number or visually noting an unofficial visible identification number if the number is correlated with two (2) forms of official identification on the inventory submitted by the domestic cervidae ~~producer~~ owner. ~~The Administrator may, on a case-by-case basis, grant written permission for ranch-specific unique bangle tags to be used for official identification.~~ (~~4-2-08~~)( )

**02. Duty to Gather and Restrain.** It shall be the duty of the owner of each domestic cervidae ranch to gather and restrain any domestic cervidae, which state or federal animal health officials determine are not readily identifiable, for inventory verification purposes. The Administrator, or his designee, shall determine the suitability of the restraint system. (~~4-2-03~~)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**204. ESCAPE OF DOMESTIC CERVIDAE.**

It shall be the duty of each owner or operator of a domestic cervidae ranch to take all reasonable actions to prevent the escape of domestic cervidae from a domestic cervidae ranch. (4-6-05)

**01. Notification of Escape.** When any domestic cervidae escape from a domestic cervidae ranch, the owner or operator of the domestic cervidae ranch shall notify the Administrator by phone, facsimile, or other means approved by the Administrator within twenty-four (24) hours of the discovery of the escape. (4-6-05)

**02. Duty to Retrieve Escaped Cervidae.** It shall be the duty of each owner or operator of a domestic cervidae ranch to retrieve or otherwise bring under control all domestic cervidae that escape from a domestic cervidae ranch. (4-2-03)

**03. Fish and Game.** The Administrator shall notify the Idaho Department of Fish and Game of each escape. (4-2-03)

**04. Sheriff and State Brand Inspector.** When domestic cervidae escape from a domestic cervidae ranch and the owner or operator is unable to retrieve the animals within twenty-four (24) hours of discovery of the escape, the Administrator may notify the county sheriff or the state brand inspector of the escape pursuant to Title 25, Chapter 23, Idaho Code. (~~4-2-03~~)( )

**05. Capture.** In the event that the owner or operator of a domestic cervidae ranch is unable to retrieve escaped domestic cervidae in a timely manner, as determined by the Administrator, the Administrator may effectuate the capture of the escaped domestic cervidae to ensure the health of Idaho's livestock and wild cervidae populations. (4-2-03)

**06. Failure to Notify.** Failure of any owner or operator of a domestic cervidae ranch to notify the

Administrator within twenty-four (24) hours of the discovery of an escape of domestic cervidae is a violation of this chapter. (4-6-05)

**07. Taking of Escaped Domestic Cervidae.** A licensed hunter may legally take domestic cervidae which have escaped from a domestic cervidae ranch only under the following conditions: (4-6-05)

**a.** The domestic cervidae has escaped and has not been in the control of the owner or operator of the domestic cervidae ranch for more than seven (7) days; and (4-6-05)

**b.** The hunter is licensed and in compliance with all the provisions of the Idaho Department of Fish and Game rules and code. (4-6-05)

**205. NOTICE OF DEATH OF DOMESTIC CERVIDAE.**

The death of all domestic cervidae over one (1) year of age and all domestic cervidae that have been officially identified and inventoried must be reported by the owner or operator to the division: (4-2-08)

**01. Reports.** The initial report of a cervidae death may be made by telephone, facsimile, or electronic mail, ~~and then.~~ Such report must be followed by the submission of the death certificate. (4-2-08)(\_\_\_\_)

**02. Submission of Death Certificates.** CWD sample submission forms/death certificates shall be submitted to the ~~Division~~ by regular mail, facsimile, electronic mail, or by other means as approved by the Administrator. (4-6-05)(\_\_\_\_)

**03. Reporting Deaths at Domestic Cervidae Ranches.** The owner or operator of a domestic cervidae ranch shall notify the Division within five (5) business days of when the owner or operator knew or reasonably should have known of the death. (4-2-08)

**04. Reporting Deaths at Approved and Custom Exempt Slaughter Establishments.** The owners of cervidae that are slaughtered shall report the death within five (5) business days of the date that the cervidae was slaughtered. (4-2-08)

**206. CWD SAMPLE SUBMISSION FORM/DEATH CERTIFICATE.**

The owner or operator of a domestic cervidae ranch shall submit, ~~to the Administrator,~~ a complete and accurate copy of all CWD sample submission forms/death certificates to the Administrator at the same time that CWD samples are submitted to an approved laboratory. (4-2-03)(\_\_\_\_)

**(BREAK IN CONTINUITY OF SECTIONS)**

~~**208. INTRASTATE MOVEMENT CERTIFICATE.**~~

~~All owners of domestic cervidae ranches who move cervidae, from one premises to another, including movement from one (1) premises to another premises owned, operated, leased, or controlled by the owner, within the state of Idaho shall submit, to the Administrator, a complete and accurate intrastate movement certificate signed by the owner, within five (5) business days of the movement. The Administrator shall provide blank intrastate movement certificates to the owners of domestic cervidae ranches upon request. (4-6-05)~~

~~2098.~~ -- 249. (RESERVED).

**250. INTRASTATE MOVEMENT OF DOMESTIC CERVIDAE.**

All live domestic cervidae moving from one premises to another premises within the state of Idaho, including movement from one premises to another premises owned, operated, leased, or controlled by the same person, shall be officially identified, except calves during the year of birth accompanying their dam, and accompanied by: (4-6-05)(\_\_\_\_)

**01. Officially Identified.** All live domestic cervidae undergoing intrastate movement must be

officially identified, except calves during the year of birth that are accompanying their dam. ( )

**042. ~~TB Test In Compliance With Section 450.~~** ~~An official negative test for tuberculosis of all cervidae over twelve (12) months of age, conducted within the last ninety (90) days, or written permission from the Administrator, except:~~ All live domestic cervidae undergoing intrastate movement must be in compliance with Section 450 of these Rules. (4-2-03)( )

~~a. Animals originating from an accredited, qualified or monitored herd, as described in "Bovine Tuberculosis Eradication, Uniform Methods and Rules," effective January 22, 1999, if they are accompanied by a certificate signed by an accredited veterinarian or the Administrator stating such domestic cervidae have originated directly from such herd; or~~ (4-2-03)

~~b. Those domestic cervidae consigned directly to an approved slaughter establishment or domestic cervidae approved feedlot; or~~ (4-2-03)

~~c. Those domestic cervidae moving from one premises to another premises owned, operated, leased, or controlled by the same person.~~ (4-6-05)

**023. Accompanied by an Intrastate Movement Certificate.** All intrastate movements of live domestic cervidae, ~~including movement from one premises to another premises owned, operated, leased, or controlled by the same person,~~ shall be accompanied by a complete and accurate intrastate movement certificate, which has been signed by the owner or operator of the domestic cervidae ranch where the movement originates and includes a statement of the CWD and TB status of the cervidae. The certificate shall be submitted to the Administrator within five (5) days of the movement. (4-6-05)( )

**03. ~~Movement of Cervidae Between Accredited AZA or USDA Licensed Facilities.~~** ~~Movement of cervidae between accredited AZA and USDA licensed facilities is exempt from the requirements of this chapter. All other movement from AZA accredited or USDA licensed facilities shall comply fully with all of the provisions of this chapter.~~ (4-2-03)

251. -- 299. (RESERVED).

**300. DISEASE CONTROL.**

The Administrator may require domestic cervidae in the state to be tested for brucellosis (*Brucella abortus* or *Brucella suis*), tuberculosis (*Mycobacterium bovis*), ~~meningeal worm (*Parelaphostrongylus tenuis*), muscle worm (*Elaphostrongylus cervus*),~~ CWD<sub>2</sub> or for other diseases or parasites determined to pose a risk to other domestic cervidae, livestock, or wildlife. (4-2-03)( )

**301. DUTY TO RESTRAIN.**

It shall be the duty of the owner of each domestic cervidae ranch to gather and restrain domestic cervidae for testing or inventory verification when directed to do so in writing by the Administrator. The Administrator, or his designee, shall determine the suitability of the restraint system. (4-2-03)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**305. DECLARATION OF ANIMAL HEALTH EMERGENCY.**

The Director is authorized to declare an animal health emergency. (4-2-03)

**01. Condemnation of Animals.** In the event that the Director determines that an emergency exists, animals that are found to be infected, or affected with, or exposed to an animal health emergency disease may be condemned and destroyed. (4-2-03)

**02. Indemnity.** Any indemnity shall be paid in accordance with Sections 25-212 and 25-213, Idaho Code. (4-2-03)

**03. Notification to Administrator.** Every owner of cervidae, every breeder or dealer in cervidae, every veterinarian, and anyone bringing cervidae into this state who observes the appearance of, or signs of any disease or diseases, or who has knowledge of exposure of the cervidae to diseases that constitute an emergency shall give immediate notice to the Administrator by telephone, facsimile, or other means as approved by the Administrator. (4-6-05)

**04. Failure to Notify.** Any owner of cervidae who fails to report as herein provided shall forfeit all claims for indemnity for animals condemned and slaughtered or destroyed on account of the animal health emergency. The failure of any owner, breeder, dealer, veterinarian, or anyone bringing cervidae into the state of Idaho shall constitute a violation of this chapter. ~~(4-2-03)~~(\_\_\_\_)

**306. -- 399. (RESERVED).**

**400. BRUCELLOSIS.**

Owners of domestic cervidae ranches shall comply with those provisions of IDAPA 02.04.20, "Rules Governing Brucellosis," that apply to domestic cervidae. ~~(4-2-03)~~(\_\_\_\_)

**(BREAK IN CONTINUITY OF SECTIONS)**

**501. COLLECTION OF SAMPLES FOR CWD TESTING.**

Only accredited veterinarians, state and federal animal health officials, and other persons, approved by the Administrator, shall collect brain or other tissue samples for CWD testing. Samples shall be collected immediately upon discovery of the death of a domestic cervid. (4-2-03)

**01. Brain Samples.** Only persons trained by state or federal animal health officials, and approved by the Administrator, may remove the brain stem containing the obex portion for submission as the sample for CWD testing. (4-6-05)

**02. Submission of Head.** Only persons trained by state or federal animal health officials, and approved by the Administrator, may submit a head with the official identification attached to the head as the sample for CWD testing. (4-6-05)

**03. Handling of Samples.** All CWD samples shall be handled in a manner that prevents degradation of the sample. (4-2-03)

**04. Sample Submission Time.** Fresh samples for CWD testing shall be submitted, to an approved laboratory, within seventy-two (72) hours of the date of collection. Formalin preserved samples shall be submitted, to an approved laboratory, within five (5) business days of the date of collection. (4-2-03)

**05. Non-Testable or Samples That Do not Contain Appropriate Tissues.** The Administrator may conduct an investigation to determine if a domestic cervidae ranch is complying with the provisions of Section 500 if: (4-2-03)

**a.** The owner or operator of a domestic cervidae ranch submits samples for CWD testing which are non-testable; or (4-2-03)

**b.** The owner or operator of a domestic cervidae ranch submits samples for CWD testing that do not contain appropriate tissues for CWD testing. (4-2-03)

**c.** The owner or operator of a domestic cervidae ranch submits samples for CWD testing which cannot be identified to the animal of origin. (4-6-05)

**06. Failure to Submit Samples for CWD Testing.** An owner or operator of a domestic cervidae ranch that fails to submit samples for CWD testing as required in this chapter is in violation of these rules, ~~except the Administrator may approve, in writing, a variance from sample submission requirements on a case specific basis.~~ ~~(4-2-03)~~(\_\_\_\_)

(BREAK IN CONTINUITY OF SECTIONS)

**503. CWD STATUS.**

CWD status shall be based on the number of years that a herd of domestic cervidae has been determined to be in compliance with the provisions of this chapter, during which there is no evidence of CWD in the herd. (4-2-03)

**01. Status Review.** The Administrator shall review the CWD status of each domestic cervidae herd located in Idaho ~~on~~ at least ~~an~~ annually ~~basis~~. (4-2-03)( )

~~**02. Status Date.** The status date is the date that the Administrator approves a change in the CWD status of a domestic cervidae herd in Idaho. (4-2-03)~~

**032. Cervidae of Lesser Status.** If a ~~herd of~~ domestic cervidae herd has contact with cervidae of a lesser status, the status of the herd with the higher status shall be lowered to the status of the cervidae with the lesser status. (4-2-03)( )

**043. Change of Ownership.** A herd's status may remain with the herd when a change of ownership, management or premises occurs, if there is no contact with cervidae of lesser status, and no previous history of CWD on the premises. (4-2-03)

**054. Contact with CWD Positive Animals.** Any herd of domestic cervidae that has contact with CWD positive or exposed animals may have its status reduced or removed. (4-2-03)

(BREAK IN CONTINUITY OF SECTIONS)

**990. PENALTY FOR VIOLATIONS.**

Any person violating any of the provisions of this Chapter shall be subject to the penalty provisions of Title 25, Chapters 2, 3, 4, 6, and [35] 37, Idaho Code, applicable to domestic cervidae. In addition, any person violating any of the provisions of this chapter may be subject to a compliance plan under the conditions set forth below in Subsection 990.02. (4-2-03)( )

**01. Monetary Penalties.** The imposition or computation of monetary penalties shall take into account the seriousness of the violation, good faith efforts to comply with the law, the economic impact of the penalty on the violator and such other matters as justice requires. (4-2-03)

**02. Compliance Plan.** ( )

**a. First Offense.** When the Director identifies a first violation of these rules or those portions of Title 25, Chapters 2, 3, 4, 6 and [35] 37, Idaho Code, by a person, the Department may offer that person the option of following a compliance plan and order, drafted by the Department, as an alternative to a monetary penalty. ( )

**b. Second or More Offenses.** When the Director identifies a second violation (or more) of any one of these rules or those portions of Title 25, Chapters 2, 3, 4, 5, and 35 [37], Idaho Code, by a person within five (5) years of a previous violation of these rules or those provisions of Title 25, Chapters 2, 3, 4, 5, and 35[37], Idaho Code, the person will be required to follow a compliance plan and order, drafted by the Department. The compliance plan and order will be required in addition to any monetary penalty that may be assessed by the Department. ( )

**c. Failure to Follow Compliance Plan.** The failure to follow the requirements of a compliance plan is a violation of these rules. ( )

**023. Minor Violations.** Nothing in this Chapter shall be construed as requiring the Director to report minor violations when the Director believes that the public interest will be best served by suitable warnings or other administrative action. (4-2-03)